



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steven T. Mitchell
Appl. No.: 10/684,668
Confirm. No.: 3396
Filed: October 14, 2003
Title: ARTIFICIAL VERTEBRAL DISK
REPLACEMENT IMPLANT WITH CROSSBAR
SPACER AND METHOD

Ma.

PATENT APPLICATION

Art Unit: 3738
Examiner: Bruce Edward Snow

Customer No. 23910

DECLARATION OF PRIOR INVENTION
UNDER 37 C.F.R. § 1.131

I, Steven T. Mitchell, hereby declare:

1. At all times relevant to this application I have been an engineer at St. Francis Medical Technologies, Inc., a corporation of the State of Delaware.
2. At all times relevant to this application, I had and have an obligation of assignment of inventions to St. Francis Medical Technologies, Inc.
3. I am an Inventor of the subject matter contained in U.S. Patent Application Serial No. 10/684,668. Attached to this Declaration as Exhibits A-D which show evidence of reduction to practice at least as early as May 29, 2002.

Exhibit A is a specification sheet showing a front view, side view and top view of the implant assembly of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the implant is shown to have a date of May 29, 2002.

Exhibit B is a specification sheet showing a front view, side view and top view of the crossbar spacer of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the crossbar spacer is shown to have a date of May 29, 2002.

Exhibit C is a specification sheet showing a front view, side view and top view of the lower end plate of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the lower end plate is shown to have a date of May 29, 2002.

Exhibit D is a specification sheet showing a front view, side view and top view of the upper end plate of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the upper end plate is shown to have a date of May 29, 2002.

4. To my knowledge, the documentation represented and illustrated in Exhibits A-D were not publicly disclosed more than one year prior to filing U.S. Patent Application Serial No. 10/684,668.
5. All statements made herein are of my own knowledge that any false statement made may result in a holding that the subject patent may be held invalid or unenforceable, and under penalty of perjury applicable under United States law.

Respectfully submitted,

Date: 3-28-2005

By: S. T. Mitchell

Steven T. Mitchell
Project Engineer
St. Francis Medical Technologies, Inc.
960 Atlantic Avenue, Suite 102
Alameda, California 94501

EXHIBIT A

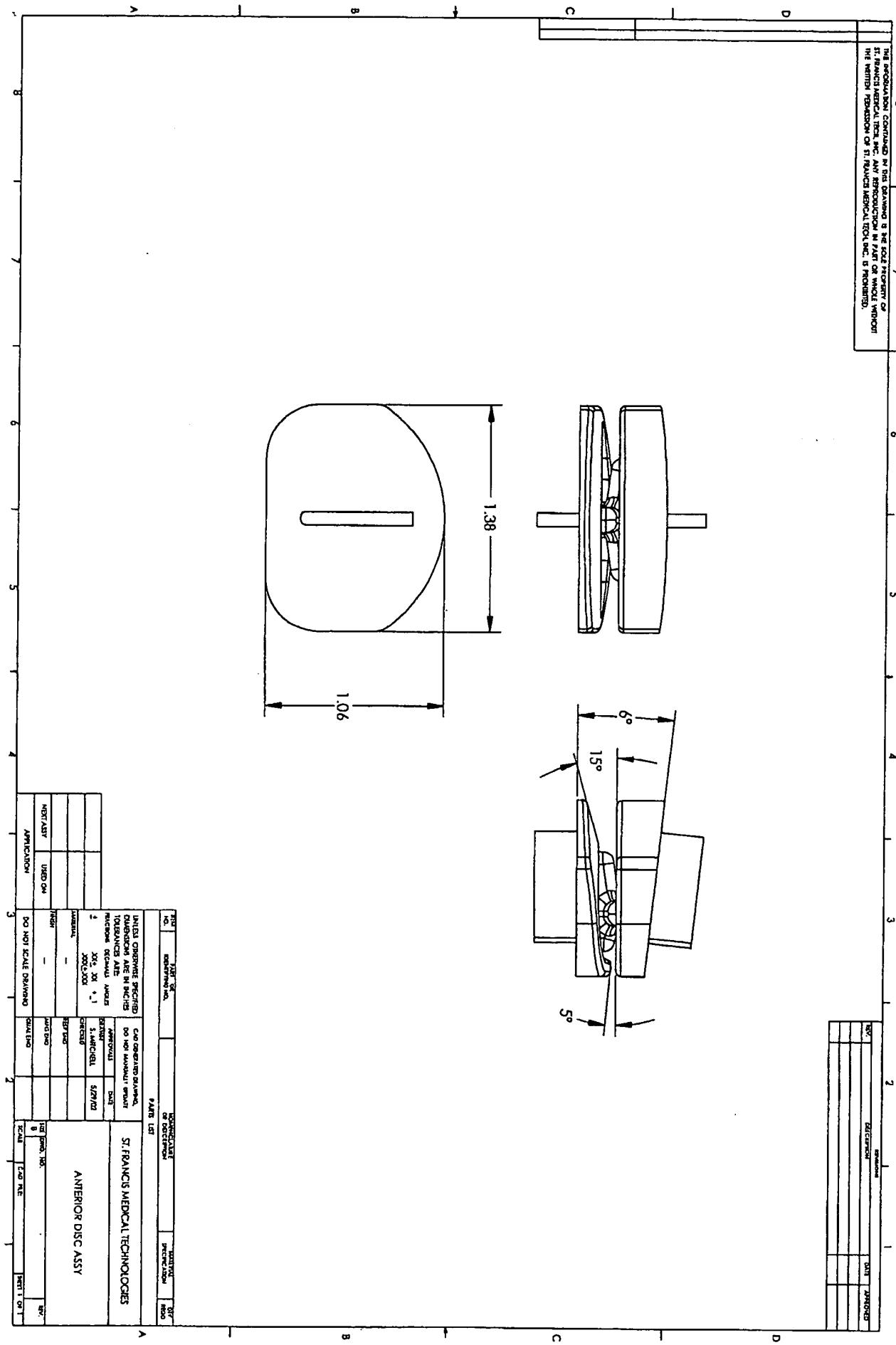


EXHIBIT B

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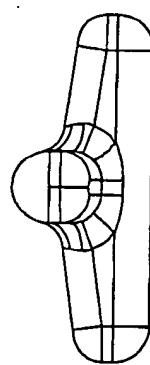
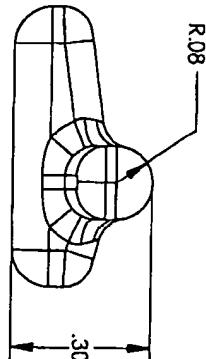
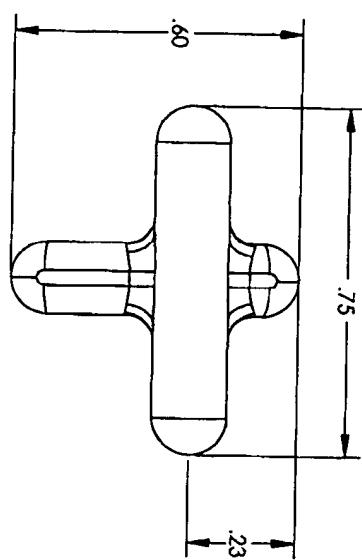
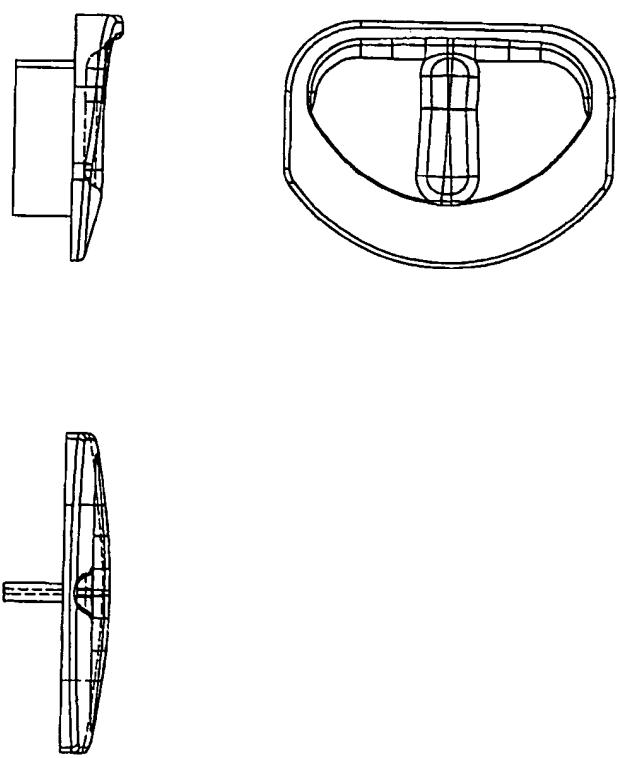


EXHIBIT C

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NO.	PART NO.	DESCRIPTION	QUANTITY	REV.
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